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Paper 161

Entered: 27 November 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,298 (RT)

SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH
(6,242,469 B1 and 6,284,781 B1),
Junior Party,

v.

HELMHOLTZ-ZENTRUM FÜR INFektionsFORSCHUNG GMBH
(09/313,524),
Senior Party.

JUDGMENT - Bd. R. 127(b) - REQUESTED

Before TORCZON, LANE, and NAGUMO, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

1 The junior party, Sloan-Kettering Institute for Cancer Research [SK] has requested
2 adverse judgment for the sole count. Specifically, SK has disclaimed all of its claims
3 corresponding to the count. In view of this disclaimer, judgment against SK is now appropriate.
4 Bd.R. 127(b)(2).

5 ADJUDGED that the junior party inventors are not entitled to a patent on the subject
6 matter of count 1, the sole count; and

7 ORDERED that claims 1-13 of United States patent 6,242,469 be cancelled;

8 FURTHER ORDERED that claims 1 and 2 of United States patent 6,284,781 be
9 cancelled;

1 FURTHER ORDERED that the relevant disclaimer attached to Paper 159 and a copy of
2 this judgment be entered into the record for United States patent 6,242,469;

3 FURTHER ORDERED that the relevant disclaimer attached to Paper 159 and a copy of
4 this judgment be entered into the record for United States patent 6,284,781; and

5 FURTHER ORDERED that a copy of this judgment be entered into the record for
6 application number 09/313,524.

cc:

For Sloan-Kettering Institute for Cancer Research: Richard L. DeLucia, KENYON & KENYON, of
New York, New York; and Brenda H. Jarrell, CHOATE, HALL & STEWART, of Boston,
Massachusetts.

For Helmholtz-Zentrum für Infektionsforschung GmbH: Anthony M. Zupcic and Robert H.
Fischer, FITZPATRICK CELLA HARPER & SCINTO, of New York City, New York.

Notice: Agreements and understandings regarding the termination of an interference are subject
to filing requirements under 35 U.S.C. 135(c).

Notice: In the event of judicial review, note the requirements of Bd. R. 8(b).